

of alternative fuels. He has put money in his budget for hydrogen work.

I am very hopeful that we do commit ourselves to coming up with some solutions with regard to energy policy. I am a little concerned it is sort of on the base here and we will be moving off to other matters. I hope in this 2-week period this becomes our highest priority, that we continue to stick with it until we have accomplished the goal we set out to accomplish, and that is to have an energy policy for the Senate.

Second, I hope it can be a policy, not a great number of details, but a view in the future as to where we are going to be, and then do the things that are necessary for us to get there.

I am delighted we are going to be moving forward in this area.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### MEDIA OWNERSHIP

Mr. DORGAN. Mr. President, this morning the Federal Communications Commission made some decisions I think were wrong-headed and counterproductive for this country. I would like to describe them just for a moment.

The Federal Communications Commission, by a vote of 3 to 2, decided to change in a dramatic way the ownership rules with respect to broadcast stations and newspapers around this country—radio, television, newspapers. Let me describe where we may end up as a result of the FCC decisions.

As a result of what the FCC has decided today, it is likely that in the largest markets of our country, the same company will own the newspaper, three television stations, the cable company, and eight radio stations.

I can't think of anything more destructive to the interests of localism and to the interests of diversity, both of which are hallmarks of what we aspire to have in American broadcasting, and the free flow of information and diversity of information in this democracy of ours.

I don't understand why the FCC made this decision. The majority of the members of the Senate Commerce Committee signed a letter asking the FCC to delay and provide their recommendations to us first so we could perhaps have a hearing and discuss it with them. But they didn't do that. The first anyone knew of the specific recommendations was this morning at about 10 o'clock. There were somewhere close to 500,000 communications from the American people to the FCC saying don't do this. Instead, the FCC took this action. They say they took

this action because there are more voices, there are more outlets and more diversity; therefore, the old rules with respect to ownership are outmoded and old-fashioned.

That is simply not the case. Ninety percent of the top 50 cable stations are owned by the top handful of the broadcasters. Twenty-five of the top Internet sites are owned by the same companies. In terms of diversity of thought in terms of where you get your news, it all comes from the same source—many voices, one ventriloquist.

Is that in the public interest? In my judgment, the answer is no. The FCC held only one hearing in Richmond, VA, and the rest of their work was done largely in secret.

There is a history to some of this. The FCC today said that one ownership group should be able to broadcast to 45 percent of the Nation's audience. It is actually going to be much more than that because they have a rule that counts UHF stations and only 50 percent of the stations.

It is a complex system. But it is 45 percent of the national audience. It used to be 25 percent. In 1996, a piece of legislation—the Telecommunications Act—came to the floor of the Senate taking that 25 percent to 35 percent. I offered an amendment at that point to restore the 25-percent limit; take the 35 percent out of the bill and restore the 25-percent limit. We had a vote. The proponent on the other side in support of the 35 percent was Senator Dole from Kansas, a pretty aggressive competitor, as a matter of fact. We had a vote and I won. I was dumbfounded. I had no idea I would win. But I won by, I think, three or four votes. That was about 4 in the afternoon when we considered the act in 1996.

On that same day, at about 7:30 in the evening, we had another vote because Senator Dole was cagey enough to have another Senator change his vote, and then we came back after dinner and had a vote on reconsideration. Apparently, three, four, or five Senators had some sort of epiphany over dinner. I lost. I have no idea what they had for dinner, or who talked to them, or how far their arms were bent. But I won that vote for about 4 hours, and then I lost.

The result has been that for 7 years we have had a 35-percent ownership cap with respect to a broadcasting company broadcasting television signals across the country, providing that there is a limit on broadcast stations—that you can't go over 35 percent of the national audience.

Now the FCC this morning said they are taking that to 45 percent. They are eliminating the ban on cross-ownership between newspapers and television stations. This weekend one of the large newspaper chains was reported in a story that I saw to have said, Look, we intend to buy a television station in every city in which we have a newspaper. We intend to do that.

I don't doubt it.

Another story which I read this weekend talked about the plan of one of the large broadcasting enterprises and all the deals they had lined up anticipating the FCC was going to do what they wanted them to do. They have deal after deal. They are going to start. There will be an orgy of concentration and mergers that start almost immediately.

What I would like to say to all of those who are now celebrating the FCC's decision today is that Congress will have another bite at this. There are many ways to do it.

No. 1, we have a Congressional Review Act which is a form of legislative veto dealing with rules that we don't like. It has been used rarely. But I think it should be used in this circumstance; it would provide a vote here in the Congress, up or down, on this rule.

There are other approaches. Several of my colleagues—the Presiding Officer is one—have introduced legislation restoring the 35-percent cap. That is a bipartisan piece of legislation cosponsored by Republicans and Democrats in the Senate. Of course, there is always the timeline tradition of, if everything else fails, attempting to legislate on an appropriations bill.

But my point is this: I don't think the FCC decision this morning should be considered the last and definitive word. My own personal view is that I hope we will attempt a form of "legislative veto" which is provided for in law. But there will be attempts to overturn much of this decision.

It makes no sense to me that we will have decided through a regulatory agency not to do effective regulation on behalf of the American public, and to say, oh, by the way, concentration is not a bad thing. Let us just allow in one big American city the same company to buy the cable company, buy three TV stations, eight radio stations, buy up the cable system, and buy the newspaper. It makes no sense to me that a Federal regulatory body ought to do that.

I very much regret what the FCC did this morning. In the review mirror, this will be seen as a terrible decision that marches this country backward and not forward, and one that will well satisfy those who have billions at stake because they have lobbied very hard to have this kind of decision come from the FCC but one, in my judgment, which will detract from the interest of localism. Those big enterprises win and American communities lose. Who is going to broadcast basketball games? Who is going to broadcast the local baseball games?

The fact is, we have had some experience with concentration in the media in recent years—since 1996—and it isn't working. We are destroying localism and destroying diversity. I think this Congress needs to weigh in now and deal with the FCC.